

Beth Maxwell Stratton
Chapter 7 Trustee
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IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

In re:

LOUIS JOSEPH CEMO and
KATHY MARIE CEMO,
Debtors.

Case No. 10-18166-B-7

Chapter 7

DC No. BMS-2

**MOTION TO SELL PROPERTY
OUT OF THE ORDINARY COURSE
OF BUSINESS AT PUBLIC
AUCTION**

Date: November 9, 2010

Time: 10:00 a.m.

Dept: B, Hon. W. Richard Lee

TO THE HONORABLE W. RICHARD LEE, UNITED STATES BANKRUPTCY JUDGE:

Beth Maxwell Stratton, Chapter 7 Trustee, respectfully represents:

1. She is the duly appointed, qualified and acting trustee of the above-entitled estate.
2. The above-captioned case was filed under Chapter 7 on July 21, 2010.
3. This Court has jurisdiction over this proceeding by virtue of 28 U.S.C. §1334(a). This is a "core" proceeding pursuant to 28 U.S.C. §157(b)(2)(A), (N). This motion is brought pursuant to 11 U.S.C. §363.
4. The assets of the estate include a 2007 Yamaha Rhino ("Rhino") and a 2003 Harley Davidson 100th Anniversary Screamin' Eagle Deuce motorcycle ("Harley").

1 5. The Trustee wishes to sell the subject Rhino and Harley so that the proceeds
2 can be used to benefit the estate. Trustee has elected to sell the Rhino and the Harley by
3 means of public auction to be held on or after Tuesday, November 16, 2010, at Baird
4 Auctions and Appraisals located at 1328 North Sierra Vista, Suite B, Fresno, California.

5 6. Trustee has previously filed an application for authority to employ Baird
6 Auctions and Appraisals ("Auctioneer"), and the employment was approved by the Court on
7 September 28, 2010.

8 7. Auctioneer routinely holds regularly scheduled, and advertised, auctions on
9 Tuesday nights. Auctioneer's compensation shall be 15% of the sale price of the property,
10 plus a 10% buyer's premium which is not taken from the sales proceeds. Auctioneer shall
11 also charge storage fees of \$2.00 per day for the vehicle.

12 8. Trustee believes that such auction is in the best interest of the creditors.

13 WHEREFORE, Trustee prays that she be authorized to sell the Rhino and the Harley
14 at public auction, and to pay the auctioneer 15% of the sales price plus reasonable and
15 necessary storage fees.

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17 Dated: October 5, 2010

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21 Beth Maxwell Stratton, Chapter 7 Trustee
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